

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 05-00216 WHA

Plaintiff,

v.

**ORDER RE MOTION TO  
DISMISS**

RODERICK ALYN PRESCOTT,

Defendant.

Counsel for the government and for Mr. Prescott are **ORDERED** to prepare for argument on the impact upon the motion to dismiss for improper venue of the holding that “[w]hen a defendant is charged in more than one count, venue must be proper with respect to each count” in *United States v. Corona*, 34 F.3d 876, 879 (9<sup>th</sup> Cir. 1994) (internal quotation marks omitted). Argument on that issue will be heard at the hearing scheduled for Tuesday, November 22, 2005.

**IT IS SO ORDERED.**

Dated: November 18, 2005

  
\_\_\_\_\_  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE